

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

TOM HUSSEY PHOTOGRAPHY, LLC,

Plaintiff,

v.

BDG MEDIA, INC.,

Defendant.

C.A. No. 20-404-MN

**DECLARATION OF BRADLEY MULLINS IN SUPPORT OF DEFENDANT BDG  
MEDIA, INC.'S MOTION TO DISMISS OR TRANSFER**

OF COUNSEL:

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*Attorneys for Defendant  
BDG Media, Inc.*

I, BRADLEY MULLINS, declare as follows:

1. I am a Partner, through my professional corporation, at Mitchell Silberberg & Knupp, LLP, counsel for Defendant BDG Media, Inc. (“BDG”) in the above-captioned matter. I have personal knowledge of the following facts and, if called and sworn as a witness, could and would competently testify thereto.

2. Attached hereto as Exhibit A is a true and correct copy of a screen capture of the website located at the following website URL: <https://www.flavorwire.com/164201/photo-gallery-reflection-of-time>. This screen capture was taken at my direction by an employee in my office on April 24, 2020.

3. Attached hereto as Exhibit B is a true and correct copy of a printout of the information available through the Delaware Department of State, Division of Corporations, for the entity named “BDG Media, Inc.” The website was located by conducting a search on March 16, 2021 for “BDG Media, Inc.” at the following website URL:  
<https://icis.corp.delaware.gov/ecorp/entitysearch/NameSearch.aspx>.

4. Attached hereto as Exhibit C is a true and correct copy of a printout of the information available through the Texas Comptroller of Public Account website, for the entity named “Tom Hussey Photography, LLC.” This website was located by conducting a search on March 16, 2021 for “Tom Hussey Photography, LLC” at the following website URL:  
<https://mycpa.cpa.state.tx.us/coa/Index.html>.

5. PACER Case Locator can be used to search for cases that have been filed in federal courts. PACER Case Locator is available at the following URL:  
<https://pcl.uscourts.gov/pcl/pages/welcome.jsf>.

6. PACER Case Locator's "Find Parties (Advanced)" feature allows users to search for federal cases based on the party's name. Using that feature, I had my staff conduct searches for cases where a plaintiff was either Tom Hussey Productions, LLC or Tom Hussey individually.

7. Attached hereto as Exhibit D is a true and correct copy of a printout of the results from running a search using PACER's "Advanced Party Search" tool, accessible at: <https://pcl.uscourts.gov/pcl/pages/search/findPartyAdvanced.jsf>. The search criteria used to generate these results are reflected on the upper-left of Exhibit A. As indicated: (1) the term "Hussey" was used for Last Name, (2) "Tom" as used for the First Name; (3) "Party Role" was set to "PLA" for plaintiff, and (4) results were sorted by date-filed in ascending order. Counsel's PACER user information has been redacted.

8. Attached hereto as Exhibit E is a true and correct copy of a printout of the results from running a search using PACER's "Advanced Party Search" tool, accessible at: <https://pcl.uscourts.gov/pcl/pages/search/findPartyAdvanced.jsf>. The search criteria used to generate these results are reflected on the upper-left of Exhibit A. As indicated: (1) the term "Hussey" was used for Last Name, (2) "Thomas" as used for the First Name; (3) "Party Role" was set to "PLA" for plaintiff, and (4) results were sorted by date-filed in ascending order. Counsel's PACER user information has been redacted. The first entry in this list appears to relate to a different individual named Thomas Hussey, and not the author of the photographs at issue in this lawsuit.

9. Attached hereto as Exhibit F is a true and correct copy of a printout of the results from running a search using PACER's "Advanced Party Search" tool, accessible at: <https://pcl.uscourts.gov/pcl/pages/search/findPartyAdvanced.jsf>. The search criteria used to

generate these results are reflected on the upper-left of Exhibit A. As indicated: (1) the term “Tom Hussey Photography” was used for Last Name, (2) “Party Role” was set to “PLA” for plaintiff, and (3) results were sorted by date-filed in ascending order. Counsel’s PACER user information has been redacted.

10. The following cases reflected in the search results attached as Exhibits D through F were filed in the Southern District of New York:

- *Tom Hussey d/b/a Tom Hussey Photography LLC v. Sensitive Touch, Inc.*, Case No. 16-cv-3767 (S.D.N.Y.)
- *Tom Hussey Photography, LLC v. Villa Homemaker & Companions, LLC*, Case No. 18-cv-3781 (S.D.N.Y.)
- *Tom Hussey Photography, LLC v. Footprints to Fitness, LLC*, Case No. 18-cv-3788 (S.D.N.Y.)
- *Hussey v. Knockout Industries, LLC*, Case No. 18-cv-7893 (S.D.N.Y.)
- *Hussey v. PSKF, LLC*, Case No. 19-cv-3804 (S.D.N.Y.)
- *Hussey v. Kaizen Media Group LLC*, Case No. 18-cv-11714 (S.D.N.Y.)
- *Hussey v. Lara Devgan, MD*, Case No. 17-cv-7711 (S.D.N.Y.)

The Complaints in the *Devgan*, *Kaizen Media Group*, *PSFK*, *Sensitive Touch*, and *Villa Homemaker* lawsuits indicate that each of those lawsuits concerned one or more of the photographs placed at issue by Plaintiff in this litigation.

11. Attached hereto as Exhibit G is a true and correct screen capture of the LinkedIn profile of Caroline Stanley, which is located at the following website URL: <https://www.linkedin.com/in/caroline-stanley-a5a31659/>. This screen capture was taken at my direction by an employee in my office on March 16, 2021.

12. Attached hereto as Exhibit H is a true and correct copy of a printout of the information available through the New York Department of State, Division of Corporations, for the entity named “Flavorpill Productions LLC.” The website was located by conducting a search on March 16, 2021 for “Flavorpill Productions” at the following website URL:

[https://appext20.dos.ny.gov/corp\\_public/corptest.entity\\_search\\_entry](https://appext20.dos.ny.gov/corp_public/corptest.entity_search_entry).

13. Attached hereto as Exhibit I is a true and correct screen capture of the LinkedIn profile of Mark Mangan, which is located at the following website URL:

<https://www.linkedin.com/in/markmangan/>. This screen capture was taken at my direction by an employee in my office on March 16, 2021.

14. Attached hereto as Exhibit J are true and correct excerpts from the Federal Court Management Statistics as of September 30, 2020, a copy of which was downloaded on March 14, 2021 from the following website URL:

[https://www.uscourts.gov/sites/default/files/data\\_tables/fcms\\_na\\_distprofile0930.2020.pdf](https://www.uscourts.gov/sites/default/files/data_tables/fcms_na_distprofile0930.2020.pdf).

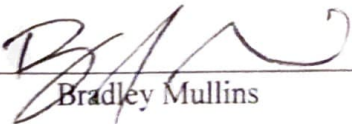
15. Attached hereto as Exhibit K is a true and correct copy of a printout of the following website URL: [https://www.duanemorris.com/offices/newyork\\_broadway.html](https://www.duanemorris.com/offices/newyork_broadway.html). This screen capture was taken at my direction by an employee of my office on March 16, 2021.

16. Duane Morris is listed as counsel for Tom Hussey in the following copyright infringement litigations:

- *Hussey v. Charles Ngo*, Case No. 18-cv-24059 (S.D. Fla.)
- *Hussey v. Tamara Schilling McCleary*, Case No. 17-cv-445 (D. Colo.)
- *Hussey v. Collegevox LLC*, Case No. 16-cv-19 (N.D. Fla.)
- *Hussey v. Chancellor Health Care, LLC*, Case No. 18-cv-7084 (C.D. Cal.)
- *Hussey v. Alan Jeskey Builders, Inc.*, Case No. 18-cv-1253 (D. Nev.)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Los Angeles on this 16 day of March, 2021.

  
Bradley Mullins